

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

April 28, 2000

- C032345 THE PEOPLE v. ANTON (Not for Publication)**
The appeal is dismissed.
 HULL, J.
We concur: Scotland, P.J.
 Davis, J.
- C032857 THE PEOPLE v. BROWN (Not for Publication)**
The trial court is ordered to correct the abstract of judgment and the minute order to conform to the oral pronouncement of judgment and reflect the imposition of a \$100 fine pursuant to section 11372.7. A corrected copy of the abstract of judgment shall be forwarded to the Department of Corrections. In all other respects, the judgment is affirmed.
 MORRISON, J.
We concur: Raye, Acting P.J.
 Kolkey, J.
- C028297 THE PEOPLE v. FLOYD (Not for Publication)**
The judgment is affirmed.
 MORRISON, J.
We concur: Sims, Acting P.J.
 Raye, J.
- C032098 THE PEOPLE v. WOLFE (Not for Publication)**
The judgment is affirmed.
 MORRISON, J.
We concur: Scotland, P.J.
 Davis, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

The Minutes

April 28, 2000 continued

- C033529 THE PEOPLE v. GASKINS (Not for Publication)**
The judgment is modified to award defendant 301 days of custody credit. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.
HULL, J.
We concur: Blease, Acting P.J.
 Kolkey, J.
- C033485 THE PEOPLE v. EDINGTON (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Sims, Acting P.J.
 Nicholson, J.
- C032296 THE PEOPLE v. HARLESS (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Sims, Acting P.J.
 Raye, J.
- C033618 In re ROBERT S.; The PEOPLE v. ROBERT ALAN S. (Not for Publication)**
The judgment (order) is affirmed.
MORRISON, J.
We concur: Blease, Acting P.J.
 Kolkey, J.
- C030969 ALEXANDER et al. v. STATE PERSONNEL BOARD et al.
CALIFORNIA STATE EMPLOYEES ASSOCIATION et al. v. STATE
PERSONNEL BOARD et al. (Certified for Publication)**
The judgment is modified to invalidate section 548.40 of title 2 of the California Code of Regulations and to invalidate section 549.6 of the same to the extent it permits the examination to be conducted pursuant to section 548.40. In all other respects, the judgment is affirmed.
MORRISON, J.
We concur: Blease, Acting P.J.
 Nicholson, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

The Minutes

April 28, 2000 continued

- C029929 ZABETIAN v. MEDICAL BOARD OF CALIFORNIA**
(Certified for Publication)
The appeal, treated as a petition for extraordinary relief, is denied.
BLEASE, Acting P.J.
We concur: Davis, J.
 Kolkey, J.
- C034782 CURTIS F. v. SUPERIOR COURT, SUTTER COUNTY**
(DEPARTMENT OF HUMAN SERVICES et al.) (Certified for Publication)
The opinion in the above-entitled matter filed on April 6, 2000, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.
SIMS, Acting P.J.
We concur: Raye, J.
 Callahan, J.
- C031968 THE PEOPLE v. COTTON** **(Not for Publication)**
The judgment is affirmed.
KOLKEY, J.
We concur: Sims, Acting P.J.
 Raye, J.
- C028217 THE PEOPLE v. HAMMAN** **(Not for Publication)**
The judgment is reversed.
KOLKEY, J.
We concur: Nicholson, Acting P.J.
 Morrison, J.
- C032248 THE PEOPLE v. MIZE** **(Not for Publication)**
The judgment of conviction is affirmed. The matter is remanded to the trial court with directions to amend the abstract of judgment to reflect that the first \$3,800 restitution fine was imposed pursuant to section 1202.4, subdivision (b). The trial court should thereafter forward a copy of the amended abstract to the Department of Corrections.
KOLKEY, J.
We concur: Nicholson, Acting P.J.
 Callahan, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

The Minutes

April 28, 2000 continued

- | | | |
|----------------|--|------------------------------|
| C033839 | THE PEOPLE v. SEATON
The judgment is affirmed.
HULL, J.
We concur: Blease, Acting P.J.
Kolkey, J. | (Not for Publication) |
| C033458 | THE PEOPLE v. O'BRIEN
The judgment is affirmed.
HULL, J.
We concur: Blease, Acting P.J.
Kolkey, J. | (Not for Publication) |
| C029134 | THE PEOPLE v. MELONSON
The judgment is affirmed.
HULL, J.
We concur: Davis, Acting P.J.
Nicholson, J. | (Not for Publication) |
| C030953 | THE PEOPLE v. TURNER
The judgment is affirmed. The trial court is directed to correct the abstract of judgment and to forward a certified copy to the Department of Corrections.
HULL, J.
We concur: Blease, Acting P.J.
Kolkey, J. | (Not for Publication) |
| C032902 | THE PEOPLE v. ANDERSON
The judgment is affirmed.
HULL, J.
We concur: Blease, Acting P.J.
Kolkey, J. | (Not for Publication) |
| C033532 | THE PEOPLE v. LEE
The judgment is affirmed.
HULL, J.
We concur: Blease, Acting P.J.
Kolkey, J. | (Not for Publication) |

5

April 28, 2000 continued

We concur: Blease, Acting P.J.
Morrison, J.

We concur: Scotland, P.J.
Morrison, J.

We concur: Scotland, P.J.
Hull, J.

We concur: Sims, Acting P.J.
Morrison, J.

We concur: Sims, Acting P.J.
Morrison, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

The Minutes

April 28, 2000 continued

C033753 THE PEOPLE v. WESKE (Not for Publication)
The judgment is affirmed. The matter is remanded to the trial court to correct the omission of the \$161 booking fee from the minute order.
KOLKEY, J.
We concur: Blease, Acting P.J.
 Hull, J.

C033767 THE PEOPLE v. THOMAS (Not for Publication)
The judgment is affirmed.
KOLKEY, J.
We concur: Blease, Acting P.J.
 Hull, J.

May 1, 2000

C029211 MCCUNE v. LOZANO, SMITH, SMITH, WOLIVER, etc., et al. (Not for Publication)
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Morrison, J.
 Callahan, J.

C030733 Conservatorship of the Person and Estate of REBA GREGORY
C030074 (Certified for Partial Publication)
With respect to defendants' appeal in case No. C030074, the judgment is affirmed. With respect to Gregory's appeal in case No. C030733, the order denying compensation for paralegal fees is reversed, and the matter remanded for proceedings consistent with this opinion. In all other respects, the order is affirmed. Plaintiff shall receive costs on appeal in case Nos. C030074 and C030733.
CALLAHAN, J.
We concur: Scotland, P.J.
 Blease, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

The Minutes

May 2, 2000

- C033138 MARWICK et al. v. STATE BOARD OF ACCOUNTANCY et al. (Not for Publication)**
The judgment is affirmed.
 BLEASE, Acting P.J.
We concur: Sims, J.
 Hull, J.
- C031658 COUNTY OF EL DORADO v. YORK (Not for Publication)**
We affirm the judgment (order).
 DAVIS, J.
We concur: Blease, Acting P.J.
 Hull, J.
- C033852 THE PEOPLE v. HASKELL (Not for Publication)**
The trial court is directed to prepare a corrected abstract of judgment to reflect defendant was sentenced under the strikes law, that defendant was ordered to pay \$350 for the cost of the probation report and that victim restitution is to be determined and to forward a certified copy to the Department of Corrections. The judgment is affirmed.
 BLEASE, Acting P.J.
We concur: Hull, J.
 Kolkey, J.
- C030489 THE PEOPLE v. MYERS (Not for Publication)**
Defendant's conviction and sentence regarding the Penal Code section 288, subdivision (b) offense (count 36) are stricken. The trial court is directed to prepare an amended abstract of judgment reflecting this, and to send a certified copy of it to the Department of Corrections. In all other respects, the judgment is affirmed.
 DAVIS, Acting P.J.
We concur: Morrison, J.
 Callahan, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

The Minutes

May 2, 2000 continued

C027848 RICHARDS v. CH2M HILL, Inc. (Certified for Publication)
It is ordered that the opinion filed herein on March 30, 2000, be modified as follows:
...
This modification does not change the judgment.
Respondent's petition for rehearing is denied.
 SCOTLAND, P.J.
 Nicholson, J.
 Kolkey, J.

May 3, 2000

C028771 COUNTY OF SACRAMENTO v. MARSHALL et al. (Not for Publication)
The judgment is vacated and the matter is remanded to the trial court with directions that the court permit the Marshalls to file a motion for relief from the deemed admitted order under section 2033, subdivision (m). If the court grants the motion, it shall thereafter retry the case. If the Marshalls fail to file the motion, or if they file the motion and the court denies it, the court is directed to reinstate the judgment in favor of the County.
The Marshalls shall receive their costs on this appeal.
 SIMS, J.
We concur: Blease, Acting P.J.
 Davis, J.

C035043 KATHLEEN v. SUPERIOR COURT, SAN JOAQUIN (SAN JOAQUIN COUNTY DEPARTMENT OF HUMAN SERVICES) (Not for Publication)
The petition and request for a stay are denied.
 SIMS, Acting P.J.
We concur: Raye, J.
 Morrison, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

10

The Minutes

May 3, 2000 continued

C033583 THE PEOPLE v. HARRIS (Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We concur: Nicholson, J.
 Morrison, J.

C029683 THE PEOPLE v. BATEY (Not for Publication)

The judgment is modified to reflect a \$10,000 restitution fine pursuant to section 1202.4. The superior court is directed to prepare an amended abstract of judgment reflecting this modification and to forward a copy thereof to the Department of Corrections. In all other respects the judgment is affirmed.

SIMS, Acting P.J.

We concur: Nicholson, Acting J
 Kolkey, J.

C033011 THE PEOPLE v. FULLER (Not for Publication)

The judgment (order granting probation) is affirmed.

SIMS, Acting P.J.

We concur: Nicholson, J.
 Morrison, J.

May 4, 2000

C032980 THE PEOPLE v. STOCKTON (Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Sims, Acting P.J.
 Callahah, J.

C033294 TAMI IMRIE,a minor, etc., et al. v. DRYER (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Sims, Acting P.J.
 Davis, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

11

The Minutes

May 4, 2000 continued

C027953 CALIFORNIA APARTMENT ASSOCIATION et al. v. CITY OF STOCKTON (Certified for Publication)
The judgment is reversed. The trial court shall grant plaintiffs relief consistent with this opinion. The plaintiffs shall recover their costs of this appeal.
BLEASE, J.
We concur: Scotland, P.J.
 Morrison, J.

C031490 THE PEOPLE v. SEWELL (Not for Publication)
Defendant's conviction for evading a peace officer (§ 2800.1) is stricken. The trial court is directed to amend its official records (the Probation form and the Disposition of Arrest and Court Action form) to indicate that this conviction has been stricken. In all other respects, the judgment is affirmed.
DAVIS, J.
We concur: Sims, Acting P.J.
 Morrison, J.

May 5, 2000

C032117 THE PEOPLE v. HORNADAY (Not for Publication)
The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment reflecting the \$1,000 restitution fine (Pen. Code, § 1202.4), the order of victim restitution, and the \$114 booking fee. A certified copy of the corrected abstract should then be forwarded to the Department of Corrections.
KOLKEY, J.
We concur: Sims, Acting P.J.
 Nicholson, J.

C033356 THE PEOPLE v. WHITAKER (Not for Publication)
The judgment is modified by striking the order suspending defendant's driver's license. As modified, the judgment is affirmed.
KOLKEY, J.
We concur: Scotland, P.J.
 Morrison, J.

May 5, 2000 continued

We concur: Scotland, P.J.
Nicholson, J.

We concur: Raye, J.
Morrison, J.